

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
July 11, 2025

The County of Hawai'i Board of Appeals met in regular session at 9:30 a.m. in the Hawai'i County Council Chambers at 25 Aupuni Street, Hilo, Hawai'i 96720 and via the Zoom online platform. The meeting was called to order with Chair Cathy Lewis presiding. A quorum was established with five members in attendance.

The full YouTube video of this hearing can be found here:
https://www.youtube.com/watch?v=4_nBapPuu-U

MEMBERS PRESENT IN PERSON: Cathy Lewis (Chair), John Kimura, Scott Martin, and Lisa McNamarra.

MEMBERS PRESENT VIA ZOOM: Rachel Able (Vice Chair)

ALSO IN ATTENDANCE: Sylvia Wan, Esq. (Deputy Corporation Counsel for the Board), Bethany Morrison (Staff to the Board), and Ashley DeVera (Board Secretary).

There were no members of the public in attendance.

Introductions of board members and staff were made.

Chair Lewis reviewed online meeting protocols and procedures.

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

At 9:32 a.m., Chair Lewis called for statements from the public. There were no members of the public in attendance to provide testimony.

[SEE YOUTUBE TIMESTAMP 4:11]

Testimony closed at 9:32 a.m.

OLD BUSINESS

1. JENNIFER GREGGOR (BOA-19-000228)

PROPOSED ORDER GRANTING PLANNING DIRECTOR MOTION TO DISMISS

Appeal of Decision by Planning Director Dated October 28, 2019, Regarding Denial Issued for Short-Term Vacation Rental Registration (STVR-19-362921) and Nonconforming Use Certificate (NUC-19-1136).

Location: 59-393 Iliahi Place, Kamuela, HI 96743

TMK: (3) 5-9-008:033

PARTIES PRESENT: Jean Campbell (Deputy Corporation Counsel for the Planning Department).

This item was called to order at 9:33 a.m. There were no members of the public in attendance and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 5:53*] Chair Lewis asked if the Board reviewed the proposed order and all Board Members affirmed.

[*SEE YOUTUBE TIMESTAMP 6:25*] Vice Chair Able motioned to approve the order; Board Member Martin seconded. Chair Lewis suggested to amend the motion to correct the spelling of her first name from a “K” to a “C”. Vice Chair Able agreed with Chair Lewis and amended her motion; Board Member Martin seconded. No discussion occurred. An all-in favor voice vote carried the motion to amend unanimously. No further discussion occurred on the amendment. A roll-call vote was taken and the amended motion passed with five ayes (Able, Martin, Kimura, McNamarra, Lewis).

This item concluded at 9:37 a.m.

2. LAWRENCE FORD, ET AL (PL-BOA-2022-000020)

PROPOSED ORDER GRANTING APPEAL pursuant to Judgment on Appeal in 3CCV-23-0000200 regarding an Appeal of Decision by the Planning Director Dated February 15, 2022, Regarding Complaint of Operating a Short-Term Vacation Rental Without Permits in an Agricultural Project District.

Location: 81-905 Makahiki Lane, Captain Cook, HI 96704

TMK: (3) 8-1-009:044

PARTIES PRESENT: Lawrence Ford (Appellant) and Jean Campbell (Deputy Corporation Counsel for the Planning Department).

This item was called to order at 9:37 a.m. There were no members of the public in attendance and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 11:21*] Chair Lewis asked if the Board reviewed the proposed order granting the appeal and all Board Members affirmed.

[*SEE YOUTUBE TIMESTAMP 12:04*] Board Member McNamarra motioned to approve the proposed order granting the appeal; Board Member Martin seconded. Chair Lewis suggested to amend the motion to include the word “by” on the top of page three, before the word “Appellants”, so now that sentence would read, “the Judgment on Appeal directs the County of Hawai‘i Board of Appeals to enter an order granting the appeal taken by Appellants”. Chair Lewis also suggested to update the date at the bottom to reflect the present date.

Board Member McNamarra agreed with the Chair and amended her motion; Vice Chair Able seconded. No discussion occurred. An all-in favor voice vote carried the motion to amend unanimously. No further discussion occurred on the amendment. A roll-call vote was taken and the amended motion passed with five ayes (McNamarra, Martin, Able, Kimura, Lewis).

This item concluded at 9:42 a.m.

3. WILLIAM ROBERT GAGE, JR. & REBECCA S. GAGE (PL-BOA-2022-000021)

PROPOSED ORDER GRANTING APPEAL pursuant to Judgment on Appeal in 3CCV-23-0000200 regarding an Appeal of Decision by the Planning Director Dated February 15, 2022, Regarding Complaint of Operating a Short-Term Vacation Rental Without Permits in an Agricultural Project District.

Location: 81-905 Makahiki Lane, Captain Cook, HI 96704

TMK: (3) 8-1-009:044

PARTIES PRESENT: William Gage (Appellant) and Jean Campbell (Deputy Corporation Counsel for the Planning Department).

This item was called to order at 9:42 a.m. There were no members of the public in attendance and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 16:26*] Board Member McNamarra motioned to approve the proposed order granting appeal and add the word “by” and update the date; Board Member Martin seconded. No discussion occurred. A roll-call vote was taken and motion passed with five ayes (McNamarra, Martin, Able, Kimura, Lewis).

This item concluded at 9:46 a.m.

4. BEVERLY L. FULLER (PL-BOA-2024-000115)

PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW, DECISION AND ORDER

Appeal of Decision by the Planning Director Dated November 13, 2024, Regarding Approval of Special Management Area Assessment Application (PL-SAA-2024-000249) to Construct a Single-Family Dwelling and Related Improvements.

Location: 28 Machida Lane, Hilo, HI 96720

TMK: (3) 2-1-014:046

PARTIES PRESENT: Jean Campbell (Deputy Corporation Counsel for the Planning Department).

This item was called to order at 9:50 a.m. There were no members of the public in attendance and no public testimony was provided.

[*SEE YOUTUBE TIMESTAMP 23:30*] Chair Lewis asked if the Board reviewed the proposed order and all Board Members affirmed.

[*SEE YOUTUBE TIMESTAMP*] Board Member Martin motioned to adopt the findings of facts, conclusions of law, decision and order; Vice Chair Able seconded. No discussion occurred. A roll-call vote was taken and motion passed with five ayes (Martin, Able, Kimura, McNamarra, Lewis).

This item concluded at 9:52 a.m.

MINUTES

[*SEE YOUTUBE TIMESTAMP 24:58*] Chair Lewis asked if the Board reviewed the May 9th, 2025, minutes and all Board Members affirmed. A motion was made by Board Member McNamarra to approve the May 9th, 2025, minutes as circulated. The motion was seconded by Board Member Martin. No discussion occurred. A roll-call vote was taken and motion passed with five ayes (McNamarra, Martin, Able, Kimura, Lewis).

ADMINISTRATIVE MATTERS

Status of appeals filed on Board of Appeals decisions – Corporation Counsel

[*SEE YOUTUBE TIMESTAMP 26:37*] Ms. Wan reported that there had been no change since the last hearing. Ms. Rohr had appealed the prior court's decision, and that appeal is still pending. The AOPOOKOVP case also remains pending.

Status of outstanding petitions – Staff

[*SEE YOUTUBE TIMESTAMP 27:39*] Ms. Morrison reported no updates other than what is currently on the August agenda. She noted that in September, the Planning Director and Deputy Director, along with Deputy Corporation Counsel, would be absent, so the schedule would need to be adjusted accordingly.

ADJOURNMENT

Board Member Martin motioned to adjourn the hearing; seconded by Board Member McNamarra. An all-in favor voice vote adjourned the hearing at 9:56 a.m.

Respectfully Submitted,

Ashley DeVera, Board Secretary

A T T E S T :

Cathy Lewis, Chair
Board of Appeals